

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
APR 29 2005
CLERK, U.S. DISTRICT COURT
By _____ Deputy <i>Y2</i>

UNITED STATES OF AMERICA,

v.

THOMAS PEREZ,  
Defendant/Movant.

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3:97-CR-342-M

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

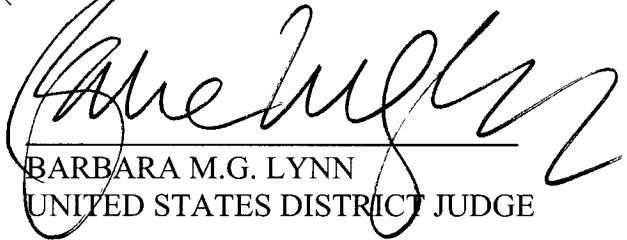
United States Magistrate Judge Paul D. Stickney made findings, conclusions and a recommendation in this case. Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, and the Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendant's motion pursuant to Fed. R. Civ. P. 60(b) is CONSTRUED as a motion to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255, and that the Clerk is directed to OPEN a new civil action pursuant to § 2255 (nature of suit 510).

IT IS ORDERED that within thirty (30) days from the date of filing of this order, Defendant shall file an amended § 2255 motion on the court approved form, containing all claims that Defendant has with respect to the conviction in 3:97-CR-342-M. Failure to comply with this order will result in dismissal of the §2255 case for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

The clerk shall MAIL to Defendant the standard form for filing a motion under 28 U.S.C. § 2255.

SO ORDERED this 29 day of April, 2005.



BARBARA M.G. LYNN  
UNITED STATES DISTRICT JUDGE